

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ROSS et al.

Confirmation No.:

Application No.

Examiner:

Date Filed: September 25, 2006

Group Art Unit:

For: TISSUE OXYGENATION MEASUREMENTS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent Office of the document which is listed on the attached Form PTO/SB/08A.

Applicant submits that the present invention is patentable over the cited reference. Submission of the listed document is not intended as an admission that such document constitutes prior art against the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed document as a competent reference against the present application. A copy of the International Search Report and Written Opinion of the International Searching Authority are also enclosed.

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any underpayment to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT



Date: September 25, 2006

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

**Complete If Known**

Application Number	
Filing Date	SEPTEMBER 25, 2006
First Named Inventor	ROSS
Art Unit	
Examiner Name	
Attorney Docket Number	5853-449-1

Sheet 1 of 1

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

## **U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			T <sup>6</sup>

<b>Examiner Signature</b>		<b>Date Considered</b>	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Comptroller for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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